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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/893,792
Filing Date: June 28, 2001
Appellant(s): KANERVA, MIKKO

Phouphanomketh Dittahavong (Reg. No.: 44,658)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 18 October 2010 appealing from the Office action mailed 17 May 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 73-90 are rejected.

Claims 91-108 are withdrawn.

Claims 1-72 are canceled.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

A. Patent Document(s)

US 5,953,673	NEUBAUER et al.	9-1999
US 5,933,080	NOJIMA	8-1999
US 6,529,735 B1	DE BRITO	4-2003
EP 0810803 A2	TOGNAZZINI	3-1997

(9) Grounds of Rejection Applicable to Appeal Claims

The following ground(s) of rejection are applicable to the appealed claims:

A. Claim Rejections - 35 USC § 102

Claims 73-90 are rejected under 35 U.S.C. 102(b) as being anticipated by **Neubauer et al.** (hereinafter Neubauer) (**US 5,953,673**).

Regarding **claim 73**, Neubauer discloses a method (see Fig. 1) comprising:

receiving a request from a calling subscriber (SA, SA') which reads on the claimed "mobile station" to connect to one of a plurality of called mobile target subscriber (SB) which reads on the claimed "other mobile stations", wherein the request specifies a location criteria (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

determining location information for each of the other mobile stations (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23); and

selecting one of the other mobile stations (SB) to connect to the mobile station (SA, SA') based on the location criteria and the determined location information (see col. 9, lines 56-62; col. 10, lines 54-63), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11).

Regarding **claim 74**, Neubauer discloses a method according to claim 73, further comprising: causing, at least in part, a connection between the mobile station and any of the other mobile stations based on the location criteria and the determining location information (see col. 11, lines 17-21; col. 5, lines 53-64; col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 75**, Neubauer discloses a method according to claim 73, further comprising: causing, at least in part, a connection between the mobile station and the one of the other mobile stations further based on the one of the other mobile stations belonging to a predetermined group (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 76**, Neubauer discloses a method according to claim 73, further comprising: receiving information as to which of the plurality of other mobile stations satisfy the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 77**, Neubauer discloses a method according to claim 76, further comprising: determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63), where the system selects a target station in the order of closest according to requirements/aspects such as locational, temporal, hierarchical, and/or cyclical.

Regarding **claim 78**, Neubauer discloses a method according to claim 76 further comprising: determining to randomly cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63), where the system selects a target station in which randomly would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 79**, Neubauer discloses an apparatus (see Fig. 1) comprising:

at least one processor (see Fig. 1); and

at least one memory, the at least one memory and the at least one processor configured to cause the apparatus at least to (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64):

receive a request from a calling subscriber (SA, SA') which reads on the claimed "mobile station" to connect to one of a plurality of called mobile target subscriber (SB) which reads on the claimed "other mobile stations", wherein the request specifies a location criteria (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35),

determine location information for each of the other mobile stations (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23), and

select one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (see col. 9, lines 56-62; col. 10, lines 54-63), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11).

Regarding **claims 80-84**, the claims as applied to claim 79 are rejected for the same reasons as set forth above in **claims 74-78**, respectively.

Regarding **claim 85**, Neubauer discloses an apparatus (see Fig. 1) comprising:

means for receiving a request from a mobile station (SA, SA') to connect to one of a plurality of other mobile stations (SB), wherein the request specifies a location criteria (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

means for determining location information for each of the other mobile stations (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23); and

means for selecting one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (see col. 9, lines 56-62; col. 10, lines 54-63), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11).

Regarding **claims 86-90**, the claims as applied to claim 85 are rejected for the same reasons as set forth above in **claims 74-78**, respectively.

Claims 73-76, 78-82, 84-88, and 90 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tognazzini** (**EP 0810803 A2**).

Regarding **claim 73**, Tognazzini discloses a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), where the cellular system (1000) establishes communication between a calling station (1010; originator) and called station (1020, 1030, 1040; recipient) comprising:

receiving a request (e.g., query) from a originating station (1010; calling station) which reads on the claimed “mobile station” to connect to one of a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “other mobile stations", wherein the request specifies a location criteria (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

determining location information for each of the other mobile stations (1020, 1030, 1040; called station) (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

selecting one of the other mobile stations (1020, 1030, 1040; called station) to connect to the mobile station (1010; calling station) based on the location criteria and the determined location information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 7, 9-10, and 12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.

Regarding **claim 74**, Tognazzini discloses a method according to claim 73, further comprising: causing, at least in part, a connection between the mobile station and any of the other mobile stations based on the location criteria and the determining location information (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 75**, Tognazzini discloses a method according to claim 73, further comprising: causing, at least in part, a connection between the mobile station and the one of the other mobile stations further based on the one of the other mobile stations belonging to a predetermined group (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15)

Regarding **claim 76**, Tognazzini discloses a method according to claim 73, further comprising: receiving information as to which of the plurality of other mobile stations satisfy the location criteria (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Regarding **claim 78**, Tognazzini discloses a method according to claim 76 further comprising: determining to randomly cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 13, lines 12-38).

Regarding **claim 79**, Tognazzini discloses an apparatus comprising:

at least one processor (e.g., cellular system 1000) (see col. 11, lines 16-24; Figs. 10 and 11); and

at least one memory (e.g., database), the at least one memory and the at least one processor configured to cause the apparatus at least to:

receive a request (e.g., query) from a originating station (1010; calling station) which reads on the claimed "mobile station" to connect to one of a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed "other mobile stations", wherein the request specifies a location criteria (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12),

determine location information for each of the other mobile stations (1020, 1030, 1040; called station) (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range, and select one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 7, 9-10, and 12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.

Regarding **claims 80-82 and 84**, the claims as applied to claim 79 are rejected for the same reasons as set forth above in **claims 74-76 and 78**, respectively.

Regarding **claim 85**, Tognazzini discloses an apparatus comprising:

means for receiving a request (e.g., query) from a originating station (1010; calling station) which reads on the claimed "mobile station" to connect to one of a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed "other mobile stations", wherein the request specifies a location criteria (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

means for determining location information for each of the other mobile stations (1020, 1030, 1040; called station) (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

means for selecting one of the other mobile stations to connect to the mobile station based on the location criteria and the determined location information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 7, 9-10, and 12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.

Regarding **claims 86-88 and 90**, the claims as applied to claim 85 are rejected for the same reasons as set forth above in **claims 74-76 and 78**, respectively.

B. Claim Rejections - 35 USC § 103

Claims 77, 83, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini** (**EP 0810803 A2**) in view of **De Brito** (**US 6,529,735 B1**).

Regarding **claims 77, 83, and 89**, Tognazzini as applied to 76 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria. However, the examiner maintains that the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria was well known in the art, as taught by De Brito.

In the same field of endeavor, De Brito discloses the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 6, lines 50-65; Figs. 2A-B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and De Brito to have the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria, in order to provide establishment of communication between an originating party and a most suitable party in said group, as taught by De Brito (see col. 1, lines 57-59).

Claims 77, 83, and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini** (**EP 0810803 A2**) in view of **Nojima** (**US 5,933,080**).

Regarding **claim 77, 83, and 89**, Tognazzini as applied to 76 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria. However, the examiner maintains that the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria was well known in the art, as taught by Nojima.

In the same field of endeavor, Nojima discloses the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria (see col. 3, lines 37-42; col. 4, lines 15-31; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature(s) determining an order in which to cause, at least in part, connections to one or more of the other mobile stations satisfying the location criteria, in order to provide an emergency calling system which can make an appropriate emergency call, as taught by Nojima (see col. 1, lines 57-59).

(10) Response to Argument

The Examiner's response to the arguments of the brief concerning the art rejection of claims 73-90 are as follows:

A. Brief Description of Communication Systems

A1. It has been proposed to introduce **mobile access hunting** (MAH) into the GSM (Global System for Mobile communications) standard for wireless cellular networks. MAH allows an incoming call to be connected to any one of a group of users. This would be useful for those companies who provide services to their customers where the employees are usually in the **field**… Such companies may include those providing **taxi** services, **repair services** or the like… (for above paragraph - see instant application, section background to the invention, pg. 1, 2nd full par.).

A2. …location **criteria** can be the closest second station to the first station or can be defined in terms of a **direction**, **call cost**, and/or **distance** from the first station…can be **absolute location**…distance may be defined as the direct distance from the fist station or the **road** or the like distance…distance may alternatively be defined in terms of **time taken to travel** from the second user to the first user…location criteria may be the **closest** or any appropriate user in the same cell or cell sector…location criteria can alternatively specify at least one **cell** or cell **sector** which may or may not include the cell in which the user is currently located… (for above paragraph - see instant application, section summary of the invention, pg. 3, 2nd full par.).

A3. …location **criteria** may be associated with the predetermined **group**…when an emergency **number** is **dialled**, the **closest** available second station is contacted… (for above paragraph - see instant application, section summary of the invention, pg. 4, 3rd full par.).

A4. The cell 4 or cells in which a given mobile station is located is identified by determining with which base transceiver station(s) the mobile station is associated. This information is passed to the mobile services switching centre MSC or to a register… (for above paragraph - see instant application, section detailed description of preferred embodiments of the invention, par. bridging pgs. 9-10).

A5. In the GSM mobile radio network…Services and supplementary services…are available to the mobile subscribers…One of these supplementary services is “**mobile access hunting**”, the utilization of which is intended to have the effect of setting up a **connection** between a calling subscriber...and a mobile target subscriber...selected from a

target group of mobile subscribers. Such target groups are...**service technicians** or employees of **field service**, or...**taxi** call services, private delivery services... (for above par. - see Neubauer - col. 2, lines 1-16).

A6. …advantage for the calling subscriber is that of **dialing** a…**number**…can…reach a mobile subscriber of the target **group**, and establishing a **connection** with the geographically **closest** and/or temporally optimal selected mobile target subscriber of the group…optimizing use…according to **temporal** and/or **location criteria**... (for above par. - see Neubauer - col. 5, lines 1-15).

B1. Argument of Claims 73, 79, and 85 (see brief - item VII-A, argument section, pgs. 6-8)

Appellant argues -

a. …*not a location criterion...not requested by subscriber*… (see par. bridging pgs. 6-7)
b. …does not teach the exchange of a location criterion, much less a request comprising a location criteria… (see pg. 7, 1st full par.)
c. …criteria is not taught as being received or retrieved… (see par. bridging pgs. 7-8)
d. …criteria is not included within a received request… (see pg. 8, 1st full par.)

B2. Response to argument of B1

Regarding appellant's arguments above (see B1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the teachings of the well-known prior art Neubauer that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. Appellant at the least admits -

Admission #1 "…SA only **requests a connection** on the basis of a group call number…" (see par. bridging pgs. 6-7);

Admission #2 "…*SA and SA' merely* **request connections** in the form of **dialed** group call numbers…" (see par. bridging pgs. 6-7).

Admissions #1 & #2 indicates that Neubauer provides a **request** by dialing a number. **Note #1**, see above items 10-A3 & 10-A6. In particular, Neubauer discloses the argument(s) as related to the claimed feature(s)

receiving a request (e.g., a call by dialing a number) from a calling subscriber (SA, SA') which reads on the claimed "mobile station" to connect to one of a plurality of called mobile target subscriber (SB) which reads on the claimed "other mobile stations", wherein the request specifies a location criteria { (see col. 5, lines 53-58), where a calling subscriber (e.g., SA') calls to establish a connection, and the call is made using a group call number (see col. 5, line 58 - col. 6, line 2), and the group call number is to distinguish between target areas of the mobile subscribers of the target group (see col. 4, lines 18-21; col. 10, lines 43-47; col. 7, lines 44-50). Example #1, a user of a mobile device may be located in a particular area and dial a number to request a taxi service. The particular area is associated with an area code of the number dialed. The number dialed by a user to request the taxi service provides an initial location area (or location criteria) of the user as well as locates a taxi of the particular area, in other words, a user in Los Angeles will dial a number (including area code) to request a taxi service for the Los Angeles area. See col. 7, lines 44-50.

Furthermore, the mobile subscriber of the target group best suited **with respect** to the calling subscriber is selected as the mobile target subscriber (see col. 4, lines 22-24), and locational and/or temporal selection criteria are used for selection (see col. 4, lines 25-27), and the mobile subscriber of the target group who is locationally **closest** to the calling subscriber is selected (see col. 4, lines 28-30), and based on the dial request for service a message is sent with the location of the calling subscriber (see col. 7, lines 33-36,40-44,63-65). **Note #1**, see above items 10-A4, 10-A5, & 10-A6. }. As a result, Neubauer's teachings clearly indicate a user provides a request including location criteria by dialing a number of a target area to obtain services from a mobile target subscriber of the target area. Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

C1. Argument of Claims 74, 80, and 86 (see brief - item VII-A, argument section, pg. 8, 3rd full par.)

Appellant argues - ...cannot *reasonably...disclose causing, at least in part, a* connection between the mobile station and any of the other mobile station based on the location criteria and the determining location information...

C2. Response to argument of C1

Regarding appellant's arguments above (see C1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the teachings of the well-known prior art Neubauer that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Neubauer discloses the argument(s) as related to the claimed feature(s)

causing, at least in part, a connection between the mobile station (e.g., SA') and any of the other mobile stations (e.g., SB) based on the location criteria and the determining location information { (see col. 5, lines 54-58; col. 10, lines 22-23; Fig. 1), where a connection is established between a calling subscriber (e.g., SA, SA') and a called mobile target subscriber (SB), and the locational and/or temporal selection criteria are used for the selection of the mobile target subscribe of the target group (see col. 4, lines 25-30), and the information on the locations of the mobile subscribers of the target group and the calling subscriber is obtained and evaluated (see col. 4, lines 40-45; col. 9, lines 30-35) As a result, Neubauer's teachings clearly indicate that a connection is made between a calling subscriber and a mobile target subscriber based on the location criteria and location information. Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

D1. Argument of Claims 73, 79, and 85 (see brief - item VII-B, argument section, pgs. 9-10)

Appellant argues -

a. …do not receive a request to connect to one of a plurality of other mobile stations… (see par. bridging pgs. 9-10)

b. …do not determine location information for each of the other mobile stations… (see pg. 10, 1st full par.)

D2. Response to argument of D1

Regarding appellant's arguments above (see D1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the teachings of the well-known prior art Tognazzini that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Tognazzini discloses the argument(s) as related to the claimed feature(s)

receiving a request (e.g., query) from a originating station (1010; calling station) which reads on the claimed "mobile station" to connect to one of a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed "other mobile stations", wherein the request specifies a location criteria (e.g., criterion) { (see col. 3, lines 11-13,39-46; col. 13, lines 13-15; Figs. 5, 10, & 12), where the system has a receiver (e.g., called station 1020) that receives a communication request including a query from a transmitter (e.g., calling/originating station 1010) (see Figs. 11 'ref. 1100' & 15 'ref. 1500'), and where the query pertains to criteria (e.g., location) that must be satisfied by the response of the called station (1020) (see col. 3, lines 13-16,46-52; col. 11, lines 16-24; col. 13, lines 2-3,13-15; Figs. 11 'ref. 1120', 13 'ref. 1320', & 15 'ref. 1510') };

determining location information for each of the other mobile stations (1020, 1030, 1040; called station) { (see col. 3, lines 24-26,36-42; col. 3, line 50 - col. 4, line 8; col. 13, lines 6-7,15-22; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range via position detection such as GPS }. As a result, Tognazzini's teachings clearly indicate that receiving a query pertaining to location criteria to be satisfied and determining location information. Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

E1. Argument of Claims 73, 79, and 85 (see brief - item VII-B, argument section, pg. 10, 1st full par.)

Appellant argues - …not a mobile switching center…

E2. Response to argument of E1

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., see item E1 above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding appellant's argument in item E1, the appellant's argument relies on a features indicated above that are not articulated in the claim(s).

F1. Argument of Claims 74, 80, and 86 (see brief - item VII-B, argument section, pg. 11, 1st full par.)

Appellant argues - …causing, at least in part, a connection between the mobile station and any of the other mobile stations based on the location criteria and the determining location information…

F2. Response to argument of F1

Regarding appellant's arguments above (see F1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the teachings of the well-known prior art Tognazzini that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. Appellant at the least admits -

Admission #3 "…establishes one or more communication channels between querying stations and responding stations…" (see pg. 10, 1st full par.).

Admission #3 indicates that Tognazzini provides a communication channel between stations, thus a connection is established. In particular, Tognazzini discloses the argument(s) as related to the claimed feature(s)

causing, at least in part, a connection (e.g., link) between the mobile station (e.g., calling station 1010) and any of the other mobile stations (e.g., called station 1020) based on the location criteria and the determining location information (see col. 15, 4-6,12-

15,35-42; Figs. 8 'ref. 820', 9, & 15 'ref. 1540'), where a communication link is established between the calling station and the called station (see col. 10, lines 16-20; col. 11, lines 10-13,16-24,39-41,55-56; col. 14, lines 4-6; col. 3, lines 44-52; Figs. 7-8, 10, & 12) }. As a result, Tognazzini's teachings clearly indicate that a connection is established between a calling station and a called station. Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

G1. Argument of Claims 77, 83, and 89 (see brief - item VII-C, argument section, pg. 11, 2nd full par.)

Appellant argues - …fails to remedy the above discussed deficiencies…

G2. Response to argument of G1

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding appellant's arguments above (see G1), the Examiner respectfully disagrees. Appellant has failed to interpret and appreciate the teachings of the applied prior art Tognazzini and De Brito that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. Consequently, all applied reference(s) were well known prior art prior to the filing of the instant application. Therefore, the claims are addressed for the same reasons as set forth above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/WJD,Jr/

Willie J. Daniel, Jr.
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24 January 2011

Conferees:

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